S.B. CIVIL WRIT PETITION NO.2037/1995.
(RSRTC VS. SAMPURAN SINGH & ORS.)

DATE OF ORDER : 28.03.2007.

HON'BLE MR. GOVIND MATHUR, J.

Ms. Aditi Lodha for the petitioner/s.
Mr. Vijay Mehta for the respondent/s.

By this petition for writ, a challenge is given to the award dated 05.08.1994 passed by Industrial Tribunal, Bikaner in Industrial Dispute Case No.25/93 whereby learned Tribunal substituted the penalty of withholding of two annual grade increments without cumulative effect by modifying the penalty of stoppage of two annual grade increments with cumulative effect imposed upon the petitioner, as a consequent to disciplinary action. The Tribunal held that no penalty as imposed by the disciplinary authority is available under the relevant Standing Orders.

The controversy involved in this writ petition is no more res integra in view of the judgment of this Court in the case of Rajasthan State Road Transport Corporation and another vs. Sohan Singh (S.B. Civil Writ Petition No.491/1995) decided on 23.01.2007 holding therein that under Rajasthan State Road Transport Corporation Standing Orders, a penalty of withholding of annual grade increments without cumulative effect can be

imposed as the penalty of reduction in rank is prescribed thereunder, the view taken by the Tribunal, therefore, is erroneous.

Accordingly, this petition deserves acceptance, same therefore, is allowed. The award impugned dated 05.08.1994 passed by the Industrial Tribunal, Bikaner in Industrial Dispute Case No.25/93 is quashed.

No order to cost.

(GOVIND MATHUR)J.

Anil/